

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #14	CCRB Case #: 201706001	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/26/2016 3:00 PM	Location of Incident: 91st Avenue and 168th Street	Precinct: 103	18 Mo. SOL 8/26/2017	EO SOL 8/26/2017	
Date/Time CV Reported Tue, 07/25/2017 12:50 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 07/25/2017 12:50 PM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Reinaldo Alvarez	15342	927853	103 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POF Michelle Tetonic	10670	957211	103 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Reinaldo Alvarez	Discourtesy: Police Officer Reinaldo Alvarez spoke discourteously to § 87(2)(b)				

Case Summary

On July 25, 2017, § 87(2)(b) filed this complaint in-person at the CCRB (Board Review 01). The statute of limitations in this case expired on August 26, 2017.

On February 26, 2016, at approximately 3:00 p.m., § 87(2)(b) was crossing the street with two friends, § 87(2)(b) and § 87(2)(b) in the vicinity of 168th Street and 91st Avenue in Queens when he encountered PO Reinaldo Alvarez and PO Michelle Tetonic, both of the 103rd Precinct. PO Alvarez allegedly told § 87(2)(b) “fuck you” and “I’ll lock your ass up right now” (**Allegation A: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was issued a summons for § 87(2)(b), § 87(2)(a) 160.50 (Board Review 02), which was ultimately dismissed before going to court (see IA #53).

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Discourtesy: Police Officer Reinaldo Alvarez spoke discourteously to § 87(2)(b)

§ 87(2)(b) (Board Review 03, Board Review 04, Board Review 05) testified that he stood behind a grey Nissan Altima while waiting to cross the street. The vehicle began to reverse and came within inches of § 87(2)(b). § 87(2)(b) yelled “What the fuck are you doing?” PO Alvarez emerged from the vehicle and allegedly stated, “Fuck you! What are you going to do about it?” § 87(2)(b) told PO Alvarez that he was going to report him. Approximately four pedestrians stopped to witness the interaction and yelled things to the effect of, “These fucking police are ridiculous!” and “They think they can do whatever they want to.” PO Alvarez allegedly told § 87(2)(b) “I’ll lock your ass up right now.” PO Alvarez handcuffed § 87(2)(b) and escorted him to the 103rd Precinct stationhouse, where he was lodged in a holding cell and was ultimately released with a disorderly conduct summons.

§ 87(2)(b) (Board Review 06) and § 87(2)(b) (Board Review 07) both testified that PO Alvarez used profanity towards § 87(2)(b). § 87(2)(b) alleged that PO Alvarez told § 87(2)(b) to “shut the fuck up.” § 87(2)(b) alleged that PO Alvarez used the word “fuck” and ordered § 87(2)(b) to watch his mouth.

PO Alvarez (Board Review 08) testified that he left the 103rd Precinct stationhouse to park his personal vehicle after he signed in for his tour. Upon exiting his vehicle to return to the stationhouse, PO Alvarez was approached by § 87(2)(b) who accused PO Alvarez of almost backing his vehicle into him. § 87(2)(b) yelled, “You almost fucking hit me.” PO Alvarez denied this and ordered § 87(2)(b) to leave, but § 87(2)(b) refused. § 87(2)(b) continued to yell and said, “You almost fucking hit me!” PO Alvarez told § 87(2)(b) that he was under arrest. Due to being on a modified assignment, PO Alvarez did not have handcuffs. He escorted § 87(2)(b) to the 103rd Precinct stationhouse with PO Tetonic, who was walking down the street at the time of the incident and approached to assist. PO Alvarez denied that he told § 87(2)(b) “fuck you” or that he would “lock his ass up,” and he denied using any profanity during the incident.

PO Tetonic (Board Review 09) testified that she was walking down the street when she heard screaming and observed § 87(2)(b) flailing his arms and yelling at PO Alvarez. PO Tetonic could not recall what § 87(2)(b) said and did not recall there being any mention of a vehicle. PO Tetonic denied hearing PO Alvarez use any profanity towards § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b) fifth CCRB complaint (Board Review 10). § 87(2)(b)
§ 87(2)(b)
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- PO Alvarez has been a member-of-the-service for 16 years and has had six additional complaints filed against him involving 12 allegations, five of which were discourtesy allegations. Three of the discourtesy allegations were unsubstantiated, one was unfounded, and one was substantiated. In CCRB case #200302054, one threat of arrest allegation and one retaliatory summons allegation were both substantiated. The CCRB recommended Command Discipline A, and the NYPD concurred. In CCRB case #201100059, one vehicle search allegation and one discourtesy allegation were both substantiated. The CCRB recommended a command discipline, but the NYPD instead issued PO Alvarez instructions.

Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation and this complaint was sent to the Mediation Unit on September 27, 2017. However, it was returned to the Investigations Division on November 28, 2017.
- A Notice of Claim Inquiry was submitted to the NYC Comptroller's Office on January 16, 2018 and will be added to the case file upon receipt (Board Review 11).
- § 87(2)(b), § 87(2)(c)
§ 87(2)(b)

Allegation Not Pled

Retaliatory Summons: The § 87(2)(b), § 87(2)(a) 160.50 summons that was issued to § 87(2)(b) during this incident, which was ultimately dismissed, was not an aspect of § 87(2)(b) complaint. In fact, § 87(2)(b) denied that he was issued a summons as a result of this incident and the summons was only discovered through NYPD documentation. § 87(2)(g)
§ 87(2)(g)

Squad No.: #14

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature _____ Print Title & Name _____ Date _____

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____